

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HELENA KRIZEK,)	CIVIL NO. 25-CV-00021-SASP-RT
)	
Plaintiff,)	DECLARATION OF MATTHEW C.
)	SHANNON
vs.)	
)	
THE QUEEN’S MEDICAL)	
CENTER, DR. CHERYLEE CHANG,)	
DR. THOMAS S. GALLACHER,)	
DR. NOBUHIRO ARIYOSHI,)	
EDQUON LEE, ESQ., MARGARET)	
WILLE AND ASSOCIATES LLC,)	
MARGARET WILLE, ESQ.,)	
WILLIAM BORDNER ESQ.,)	
DR. HAO CHIH HO, LEGACY OF)	
LIFE HAWAII, LIONS EYE BANK)	
OF HAWAII, HAWAII STATE)	
DEPARTMENT OF HEALTH,)	
DR. CHRISTOPHER HAPPY)	
MEDICAL EXAMINER OF)	
HONOLULU, IN HIS OFFICIAL &)	
INDIVIDUAL CAPACITY;)	
)	
Defendants.)	
)	

DECLARATION OF MATTHEW C. SHANNON

I, MATTHEW C. SHANNON, hereby declare as follows:

1. I am a partner at the law firm, Lung Rose Voss & Wagnild, counsel for Defendant WILLIAM BORDNER, ESQ. (“Attorney Bordner”), and I am licensed to practice law before all courts in the State of Hawaii.

2. I am competent to testify to the matters set forth herein based upon my personal knowledge and information and submit the following in support of Defendant Attorney Bordner's Motion To Dismiss Plaintiff Helena Krizek's ("Plaintiff") Complaint, Filed October 11, 2024.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff's Wrongful Death Complaint, filed July 18, 2018 [CM/ECF Dkt. 1], in the underlying lawsuit entitled Helena Krizek v. Queens Medical Center, et al., Civil No. 1:18-cv-00293, transferred from the United States District Court for the Southern District of New York and formerly identified as Civil No. 1:18-cv-06481 ("Underlying Lawsuit"). I respectfully request this Court take judicial notice of Exhibit 1, as it is a public record. See Federal Rules of Evidence (FRE) Rule 201.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the entire case docket in the Underlying Lawsuit. I respectfully request this Court take judicial notice of Exhibit 2, as it is a public record. See FRE Rule 201.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the District Court's Judgment Per Jury Verdict Against Plaintiff, filed September 14, 2022 [CM/ECF Dkt. 530], in the Underlying Lawsuit. I respectfully request this Court take judicial notice of Exhibit 3, as it is a public record. See FRE Rule 201.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Plaintiff's Motion For New Trial, filed October 11, 2022 [CM/ECF Dkt. 562, 562-

1], in the Underlying Lawsuit. I respectfully request this Court take judicial notice of Exhibit 4, as it is a public record. See FRE Rule 201.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the District Court's Order Denying Plaintiff's Motion For New Trial, filed December 9, 2022 [CM/ECF Dkt. 582], in the Underlying Lawsuit. I respectfully request this Court take judicial notice of Exhibit 5, as it is a public record. See FRE Rule 201.

8. Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiff's Notice of Appeal to the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit"), filed January 4, 2023 [CM/ECF Dkt. 584], in the Underlying Lawsuit. I respectfully request this Court take judicial notice of Exhibit 6, as it is a public record. See FRE Rule 201.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Ninth Circuit's Opinion affirming the District Court's Order and Judgment, filed September 18, 2024, on appeal entitled Krizek v. Queen's Med. Ctr., No. 23-15026 ("Appeal"). I respectfully request this Court take judicial notice of Exhibit 7, as it is a public record. See FRE Rule 201.

I, Matthew C. Shannon, do declare under penalty of perjury that the foregoing are true and correct.

DATED: Honolulu, Hawaii, April 23, 2025.

/s/ Matthew C. Shannon
MATTHEW C. SHANNON